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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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38823	7590	04/06/2006	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/747,773	Applicant(s) ARNOFF ET AL.	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 and 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 and 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 21-26** are rejected under 35 U.S.C. 102(b) as being anticipated by Skladman et al. (US6,487,278 B1).

Regarding **claim(s) 21**, Skladman discloses a system for accessing messages sent from a caller for a callee (FIG. 1a-b and column 1, lines 21-24); the system comprising:

an analog voicemail system configured to store a received analog voicemail message (50 on FIG. 1a);

a digital voicemail system (64 on FIG. 1a) configured to store a received digital voicemail message, the digital voicemail system including means for converting the received digital voicemail message into an analog voicemail message, wherein the converted analog message is configured for storage at the analog voicemail system (column 6, lines 21-34); and

a messaging server (34 on FIG. 1b) coupled to the standard telephone system (62 on FIG. 1a), the messaging server further being coupled to the analog voicemail

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system, the messaging server further being coupled to the digital voicemail system (column 4, lines 9-20), the messaging server comprising:

means for extracting the received analog voicemail message from the analog voicemail system (column 4, lines 54-64);

means for digitizing the extracted analog voicemail message (column 5, lines 7-10); and

means for sending the digitized voicemail message to the digital voicemail system (column 4, lines 11-17).

Regarding **claim(s) 22**, Skladman discloses a system, wherein the digital voicemail system is further configured to send a query regarding whether the callee is a subscriber of the analog voicemail system.

Regarding **claim(s) 23**, Skladman discloses a system, wherein the digital voicemail system is further configured to, in response to an indication that the callee is a subscriber of the analog voicemail system, convey the converted analog message to the analog voicemail system.

Regarding **claim(s) 24**, Skladman discloses a system, wherein the digital voicemail system is further configured to receive a query for new digital voice messages.

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Regarding **claim(s) 25**, Skladman discloses a system of, wherein the query is received via the Internet.

Regarding **claim(s) 26**, Skladman discloses a system, wherein the system is coupled to an Internet call waiting system.

3. **Claim(s) 27-39** are rejected under 35 U.S.C. 102(b) as being anticipated by Pepe et al. (US 5,742,905).

Regarding **claim(s) 27 and 34**, Pepe discloses a digital voicemail system for receiving voicemail from a caller for a callee (FIG. 1 and column 1, lines 8-12), the system comprising:

logic configured to send a query for determining whether the callee is a subscriber of an analog voicemail system (column 28, lines 28-30);

logic configured to receive an indication as to whether the callee is a subscriber of an analog voicemail system (column 28, lines 28-30);

logic configured to, in response to receiving an indication that the callee is a subscriber of an analog voicemail system, convert a received digital voicemail message into an analog voicemail message (column 28, lines 24-27); and

logic configured to convey the converted analog voicemail message to the analog voicemail system (column 28, lines 30-32).

Regarding **claim(s) 28 and 35**, Pepe discloses a system, further comprising logic configured to store the received digital message (column 28, lines 24-32).

Regarding **claim(s) 29 and 36**, Pepe discloses a system, further comprising logic configured to receive a converted digital message from the analog voicemail system (column 28, lines 33-40).

Regarding **claim(s) 30 and 37**, Pepe discloses a system, further comprising logic configured to delete the received digital message (column 28, lines 1-14).

Regarding **claim(s) 31 and 38**, Pepe discloses a system, further comprising logic configured to receive a query for new messages (column 27, lines 59-67).

Regarding **claim(s) 32 and 39**, Pepe discloses a system, wherein the digital voicemail system is an Internet-based system (column 26, lines 36-51).

Regarding **claim(s) 33**, Pepe discloses a system, wherein the digital voicemail system includes an instant messaging system (column 26, lines 36-51).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim(s) 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Blossom et al (US 2005/0099995 A1).

Regarding **claim(s) 15**, Skladman discloses a method for accessing messages (FIG. 1a and column 1, lines 21-24), the method comprising the steps of:

receiving a request to access a voicemail message in a legacy voicemail system, the request being received over the Internet (FIG. 1a and column 4, lines 21-32);

converting the request to a command of the legacy voicemail system (FIG. 1a and column 4, lines 33-43);

retrieving the voicemail message using the command (FIG. 1a and column 4, lines 44-53).

Skladman discloses the retrieving of the voice message but fails to disclose converting the voicemail message to a voice-over-Internet-protocol message and transmitting the VoIP message over the Internet.

However, Blossom teaches converting the voicemail message to a voice-over-Internet-protocol message (paragraph 0041); and

transmitting the VoIP message over the Internet (paragraph 0041).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Skladman using the teaching of voice over IP as taught by Blossom.

This modification of the invention enables the system to convert the voicemail message to a voice-over-Internet-protocol message so that the user would have the packet data message over the Internet.

Response to Arguments

8. Applicant's arguments with respect to **claim(s) 15 and 21-39** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

g.g.
April 2, 2006